

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK

BLACK LOVE RESISTS IN THE RUST, *et al.*,  
individually and on behalf of a class of all others  
similarly situated,

Plaintiffs,

v.

CITY OF BUFFALO, N.Y., *et al.*,

Defendants.

No. 1:18-cv-00719-CCR

**DECLARATION OF DE'JON HALL**

De'Jon Hall declares, under penalty of perjury and pursuant to 28 U.S.C. § 1746:

1. I am De'Jon Hall, a 34-year-old Black man. I am one of the Plaintiffs in this action.

2. I am also a member of the organizational Plaintiff in this matter, Black Love Resists in the Rust.

3. I make this declaration in support of Plaintiffs' Opposition to Defendants' Motion for Summary Judgment.

4. I was born and grew up in the City of Buffalo. I lived on the East Side of Buffalo intermittently growing up and attended high school in Buffalo. Most recently, I lived in Buffalo for five years prior to moving to Rochester, New York in September of 2022. Even after my move to Rochester, which is only about an hour away from Buffalo, I continue to visit Buffalo nearly every weekend and holiday since many of my friends, family, and community still live there.

5. I graduated from SUNY Buffalo School of Law in 2016. I am currently employed by the City of Rochester as the Director of Policy and Oversight for the Rochester Police Accountability Board, a publicly funded, independent civilian oversight agency. In my current role, I review and assess Rochester Police Department's policies, practices, and procedures, as well as its training and recommend improvements. In a previous role with the agency as Deputy Chief of Investigations, I oversaw investigations into allegations of police misconduct.

6. While living in Buffalo, I engaged in police advocacy and attempted to get a similar oversight agency implemented in Buffalo, but those efforts were unsuccessful. In 2015, I took the Civil Rights Clinic at my law school, where I worked on proposals for an independent civilian community board. During and following SUNY Buffalo Law's closure of the clinic, I helped research and write a complaint and report to the New York State Attorney General about the Buffalo Police Department's ("BPD") widespread racially discriminatory and unconstitutional checkpoint, traffic stops, ticketing, arrests, and other overaggressive police practices, and the economic harm to the Black community. These practices occurred on a daily basis and targeted the Black and Latino communities with no accountability. We sent the complaint and report to the Attorney General and announced our findings in front of City Hall in 2017. We also documented how the BPD's practices undermined trust and analyzed how the BPD's internal affairs system was ineffective and the independent board, the Commission on Citizens' Rights and Community Relations (CCRCR), had no power.

7. I also attended Common Council meetings where I heard Black and Latino residents of Buffalo Municipal Housing Authority describe how the BPD Housing Unit, and BPD generally, on a daily basis, constantly harassed and targeted them, their family members, and friends while they were driving and walking in BMHA, ticketed them excessively, and even

arrested them, often without justification. Despite receiving these complaints and our report, the City continued many of these practices and did not implement any meaningful change.

8. In 2017, the BPD's unaccountable discriminatory police practices tragically escalated, when the BPD killed two men of color—Wardel Davis and Jose Hernandez-Rossy—within three months, following legally questionable stops.

9. I have experienced BPD's problematic behavior personally, through interactions with its traffic enforcement policies and practices. My experiences with the BPD, and those of my family and friends in Buffalo, are the reason I became involved in police accountability.

10. One of the police practices that concerned me the most was the BPD Checkpoints, which were focused on motorists from Black neighborhoods.

11. On April 26, 2017, while heading to visit a friend, I passed through a Checkpoint on Comstock Avenue near Kensington Avenue, on the East Side of Buffalo. After turning onto the one-way street, I noticed a Checkpoint but could not turn off the street to escape it. As I approached the Checkpoint, I noticed that there were multiple police vehicles, approximately ten officers, a tow truck on the side of the Checkpoint, and several cars ahead of me in line. I observed several police officers forcing every car to come to a full stop and saw officers speaking to drivers of vehicles that had been pulled off to the side.

12. During this Checkpoint, a Buffalo police officer asked me for my driver's license and checked my inspection sticker. The officer did not issue me any citations.

13. Although I did not receive a traffic ticket, the Checkpoint made me feel completely unsettled. I felt and continue to feel that Buffalo police officers are arbitrary and unpredictable, and I try to avoid interactions with them to protect my safety. The Checkpoints made me feel racially profiled and discriminated against. I had heard rumors that Checkpoints

weren't happening in other neighborhoods and then I looked at the data and confirmed that they were mostly in Black and Brown neighborhoods. It made me feel inherently criminal. It felt like a slap in the face to see such a heavy police presence in our neighborhoods when the police were never proactive before. Around the time the Checkpoints were happening, there were shootings and violent interactions in my neighborhood, but the police officers would arrive hours later. Seeing the Strike Force in our neighborhoods for Checkpoints made me feel like the City was trying to profit from its indigent residents in Black and Brown communities.

14. After that incident, I expended significant time and effort to avoid passing through Checkpoints on my way to class or important meetings, including checking a Facebook page every time I got in my car for Checkpoint locations and adjusting my route to avoid passing through them. This impeded my daily life. I felt anxiety and fear every time I had to drive. Even though I knew that Buffalo police would not have a reasonable basis to stop and search me or my vehicle, I feared I would be unreasonably stopped, searched, ticketed, arrested, or harmed at a Checkpoint since they targeted motorists in Black communities.

15. Due to my experience in local politics and community organizing, I knew the effects that police stops and seizures at these Checkpoints would have on families in Buffalo, like losing their property, job, freedom, and leading to feelings of hopelessness. I felt disappointed, angry, and frustrated for my community.

16. In 2018, Common Council appointed me to the Buffalo Police Advisory Board which was formally tasked with reviewing and assessing the BPD's policies, practices, and procedures. The Board held community events, gathered feedback on what the BPD needed to improve, and made proposals to Common Council to address the community concerns with the BPD's policies, practices, and procedures, like the Checkpoints program. The Board was

comprised of eleven people, including community leaders, attorneys, professors, and a youth representative. However, this Board, like the CCRCR, did not have any of the power as my current agency in Rochester because we did not have subpoena power, were not able to access BPD data on current practices or policies, and did not have the power to investigate complaints at all. We were only able to listen to the complaints and then refer them to CCRCR or Internal Affairs, as well as make policy recommendations.

17. To remedy this deficiency, we researched other oversight agencies throughout the country and held multiple community meetings throughout the City. Residents shared their concerns that their complaints against BPD were unjustly and inadequately handled and continuously voiced a need for accountability and external oversight of the BPD. At these meetings we heard countless members of the Buffalo community describe how the Buffalo Police Department, while ending the Checkpoints, continued to treat Black and Latino residents as inherently criminal or suspicious and engaged in this racial profiling in traffic and pedestrian encounters, subjecting residents to persistent, frequent humiliating encounters. Instead of serving and protecting our community, as I have seen the BPD do with white communities in Buffalo, community members of color described how the BPD acts in an overaggressive, dehumanizing manner towards Black residents. Residents described their concerns about repeated instances by the same officers and retaliation if they complained. We memorialized these complaints in reports that we submitted and presented to the Common Council's Police Oversight Committee.

18. As part of the advisory board, organizations including the Partnership for the Public Good and Open Buffalo who were looking into Buffalo's police practices. These organizations pointed out that our city's efforts to deter violent crime were failing. They expressed concerns about how homicides remained high while case closing rates (the amount of

homicides solved) were falling. Many of the community members in attendance blamed it on BPD's internal promotion practices. Community members also alleged that there had been a drop in Black detectives on the force leading to a deterioration of meaningful community relationships that could help solve crime.

19. On July 10, 2019, I attended a community meeting at 271 Grant Street in Buffalo. Chief Barba, D District Chief at the time, also attended this meeting following a shooting in the area. While addressing the community, Chief Barba stated that BPD disbanded the Strike Force Unit because of racial profiling. This statement was concerning to me, yet unsurprising, as the Strike Force Unit conducted the Checkpoints that were mostly done on the predominantly Black, East Side of Buffalo. Chief Barba's statement was in line with the countless community complaints I've heard over many years detailing racially biased policing.

20. With all this information, the Advisory Board drafted and submitted a proposal to the Buffalo Common Council in the summer of 2020, requesting an independent oversight body, free from Mayoral control and with the authority to investigate and discipline officers. The Advisory Board's mandate was to collect information from the public and make policy recommendations. Given the huge number of complaints that we received about racially biased policing and lack of accountability for officers, we believed it was best to propose an independent agency that would be free of conflict and would allow for independent investigations and oversight, which was not possible with CCRCR.

21. To my knowledge, even though the Common Council received and filed the Advisory Board's recommendation, the Council took no further action towards implementing an independent oversight agency. My understanding was that even though some Common Council members wanted such an agency, Mayor Brown did not and said he would veto any such

proposal because he didn't believe that Buffalo had the authority to have this type of independent oversight agency. Because we did not have a veto-proof majority, the City ignored our recommendations.

22. I was optimistic for change, but disappointed in the City's failure to listen to or take the Board's or community's complaints seriously. Entrenched racism has been a historic problem in Buffalo, where the highest leaders create and direct discriminatory policies to treat people of color in a dehumanizing way, and when confronted with it and the huge, even fatal costs, to minority residents, engage in superficial measures, deny, or do not take any action because they don't care. This is part of a longstanding trend of racism by Buffalo officials—of divestment, segregation, and over-policing in Buffalo that has left huge gaps in poverty and a cycle of debt and incarceration.

23. I left my role with the Advisory Board in 2021 in part because I felt like hard change was not happening. The Common Council subsequently disbanded the Police Advisory Board.

24. On February 8, 2025, around 5:00 p.m., two white male BPD officers pulled me over for a traffic stop. I was leaving my sister's house on East Woodland Avenue on the East Side of Buffalo and dropping my teenage brother off at a nearby corner store, on my way to visit my cousin. I first noticed the officers passing behind my vehicle, when I pulled up to the corner store and my brother got out of the car. I then saw the officers again—this time we were passing each other going opposite directions. I continued heading to my cousin's house and noticed that the same officers were now following behind me and had done so for several blocks without turning on their lights. When I got to Fillmore Avenue and East Ferry Street, I went through the lights and the officers did not. I proceeded straight, continuing to head down East Ferry Street,

passing Humboldt Parkway, and then noticed the officers behind me again, now with lights on. I pulled over and when one of the officers approached me, I asked for the reason for the stop. The officer told me I failed to signal at the last intersection. I was confused by this reasoning, since I did not make a turn at the intersection and was traveling straight for most of the time that they were behind me. The officer took my license back to his patrol car and when he returned, told me to use a signal next time. The officer did not ticket me or give me a stop receipt.

25. I believe this stop was racially discriminatory and that the officers likely saw my brother, a Black teenage boy in a hoodie, get out of the car when they first drove by my vehicle. I believe they then saw me in the car and wanted to run my name because they perceived my brother to be a criminal suspect or a gang member because of his race, age and hoodie, and me because of my race and that I was in vehicle with him. My belief is cemented by the fact that they made up a reason to stop me, citing a traffic violation that did not happen. I have heard about and seen the BPD racially profile and target other Black men for traffic stops in a similar manner from my time on the PAB and talking to my friends, family, and other community members on the East Side of Buffalo.

26. I have also had a negative experience with BPD's ticketing practices. I recall an instance where I received a parking ticket while still inside my vehicle. I pulled off the road and parked at Pearl Street Brewery in downtown Buffalo with my hazard lights on to respond to a text message because I did not want to text and drive. As I was texting, a City of Buffalo parking vehicle pulled up and idled across from me for a minute. I saw the woman in the vehicle look at me, and I later received a parking ticket in the mail. I ultimately paid for the ticket. Even though I paid the fine, I don't believe it was a valid ticket. I don't recall seeing any signage that would have prevented me from pulling over temporarily.

27. This ticketing incident made me feel racially targeted by the City of Buffalo as a source of ticket revenue. I saw other people in my community impacted by the Buffalo Police Department's over-aggressive ticketing practices, especially at Checkpoints, which often led to loss of their cars through impounds, job loss (when they didn't have a car for their commute to work), and other collateral consequences of not being able to afford the fines and fees.

28. I have a valid driver's license, drive in the City of Buffalo regularly, and plan to continue to do so.

29. I still have anxiety about driving in Buffalo because you never know what excuse officers will make to pull you over and check documents or search your vehicle. It makes me not want to come to Buffalo, but I still need to visit Buffalo because my family and friends still live there. Police are intimidating; they carry guns, and you never know when one of those officers will have a bad day or panic and use their gun. The lack of accountability for officers who people have repeatedly complained about makes me feel like I have no recourse. It makes me and other members of my community feel hopeless. I personally know people who left Buffalo because of that feeling. It feels like the police can do what they want, when they want, and people are forced to accept it. It should not be that way. No matter how much we have fought over the years, nothing seems to be done to ensure that people have objective review of their complaints and recourse.

Dated: April 25, 2025

  
De'Jon Hall